

1887-034 Chancery Causes: William P. Miller vs. Charles L. Hamblin &  
Lee Co.

Hubbard, Baily, Bailey

CA-Debt  
T-Property



To the Honorable John A. Kelly Judge of the  
Circuit Court of Lee County  
<sup>who sues for himself and all other creditors</sup>  
Your orator Wm C. Miller, humbly complaining  
sheweth unto your Honor, that heretofore to wit  
on the 9<sup>th</sup> day of March 1860, your orator obtained  
an injunction, against one Eli Hubbard, and his  
trustee, to inhibit and restrain, them from selling, a certain  
tract of land, conveyed, to said John D. Sharp trustee  
to secure the payment of \$600. there set out - This  
case was proceed in for several years, and  
finally was taken to the district court of appeals  
while that tribunal was acting under law, and  
in that court your orator obtained a reversal, of  
said cause, and his costs therein expended; and  
the said cause was set back to this Honorable court  
for final adjudication, and after various proceedings  
was at the August term 1875 finally disposed of by  
a decree therein rendered, a copy of each of the  
decretal orders, giving to your orator his costs  
in the district court and in this court, will be  
found, herewith filed marked A and B respectfully  
and is prayed to be considered as a part hereof.

Your orator alleges that his costs in the district  
court of appeals amounted to the sum of \$21. . of  
which ample proof will hereafter be made; He al-  
leges that his costs in this Honorable as ascertained  
and taxed by the clerk of this court, under its last  
and final decree therein, amount to the sum of \$54. 58.  
That neither of said sums of cost or any part thereof  
has ever been paid to your orator, but that the same  
is still due him.

While said suit was pending to wit on the      day of  
186 . the said Eli Hubbard departed this life, but



before doing so he made, and published his last will and testament, by which his property was devised to Caroline Hubbard, Polly Hubbard, and Eli Hubbard Jr. the last of whom is an infant - Charles L. Hamblin, was on the day of 187 while sheriff said County appointed the administrator of the estate of said Eli Hubbard died with will annexed. The said Hamblin has not as yet had any personal estate with which to pay debts and there is nothing to come into his hands.

The said Eli Hubbard owned at the time of his death a valuable farm situated in this county on the waters of Trading Creek, in the Poor Valley, known as the "Sulphur Springs" and which under his will descended, to the said Polly Caroline and Eli Hubbard, the rents and profits of which will if there are no other debts pay your orators claim in five years. Though your orator alleges that there are other debts, one of which, he has learned to wit one due John D. Sharp, and your orator files this bill upon his own behalf and that of all others who will come in and contribute their part of expenses. The said Polly and Caroline, have sold their interest to one John W. Bailey, who now owns and occupies the same the said Polly, & Caroline have removed from this Commonwealth, but the said John W. Bailey owes them each the sum of about \$200. The said Eli still owns his share. The object of this bill is to convert the credits of said Eli Hubbard deceased, and to take an account of the debts due from the said Hubbard ascertained, and the amount in the said Hamblin hands also ascertained and his account taken and



settled, and a decree rendered in favor of your  
petitioner for the amount of his claim and all other  
creditors, justly due, and that said John W. Bailey  
be decreed to pay out of his hands the due proportion  
of Pally and Caroline Hubbard in his hands that the  
lands of Eli Hubbard be held for his due proportion  
that the said Hamblin answer and disclose all the  
effects in his hands - and in the event there re-  
serves find them that said Eli Hubbard's lands  
which descended under the will of his father  
be held liable therefor, that a guardian ad litem  
be appointed to answer and defend the said infants  
interest - that said land be rented a sufficient time  
to pay the same - and for all other further and general  
relief his prayer therefore is that Pally  
Hubbard Caroline Hubbard Eli Hubbard John  
W. Bailey and L. L. Hamblin ~~Shuff~~ as one of the  
estate of Eli Hubbard decedent be made  
further defendants, to this bill and that the court  
answer its allegations on oath and according  
ad litem be appointed to answer and defend for  
the infants, and for all other further and general  
relief they desire and &c.

Hazens & Pridemore



B. 5.88 to Aug 1877  
 A 15.00  
 S 1.00  
 C. L. 5.00  
 26.08  
 1.00  
 27.08  
 1.10 to Jan 1879  
 1.48 to July 1881

28.18

54.55

82.73

579.11

72.89

20.54

271.0

31.65

12

140

513.0

80.0

35.65

42.75

25.50

35.65

42.75

39.15

168.2

21.50

10.00

65.42

65.42

39.58

H.P.  
 Wm P. Miller

Bill Ch.

C. L. Hamblin

1875. Oct Bill filed Sha Direct  
 in C. L. Hamblin & Son  
 John W. Bailey & Deere Nisi.  
 100 Deere Nisi vs same Coups  
 & Coups.  
 Deere Continued  
 1876. Aug.

1876. 100' Aus of Mary & Caroline  
 & Harbison & David  
 Miller C. A. L. filed &  
 Continued.

1877. Mr. Aug & 100 Coups.  
 1878. Mr. Aug & 100 Coups.  
 1879. Mr. Aug & 100 Coups.  
 1880. Mr. Aug & 100 Coups.  
 1881. Mr. and Coups, Aug cont'd  
 1882. Mr. Aug & 100 Coups  
 1883. Mr. Aug & 100 Coups  
 1884. Cont'd this year  
 1885. Cont'd this year  
 1886. Cont'd, 1887. Cont'd, 1888. Cont'd  
 1889. After Cont'd, Sept order final

1890. 1891.



To the Honorable John A. Kelly Judge of the  
Circuit Court of Lee County:

The answer of Eli Hubbard Junior infant heir  
and Son of Eli Hubbard Sr. <sup>decd</sup> to the bill filed  
against him and others by William T. Miller  
by David Miller his Guardian ad litem and  
for answer thereto Says that he is an infant  
of about 12 or 15 years of age and of his  
own knowledge knows nothing of the facts  
and allegations contained in the same and  
he therefore neither admits nor denies the said  
bill but the Courts of Chancery being the  
peculiar Guardians of the rights and  
interests of infants, ~~has~~ asks that the Com-  
plainants be required to prove the allegations  
of his bill by strict proof and that he  
be required to proceed in this cause ac-  
cording to the strict rules of equity and  
justice and he further asks the protection  
of the Court in all things that affects  
his rights and interests in the premises  
and having answered as fully as he  
is advised it is material for him to answer  
he prays to be dismissed with his costs.

Eli Hubbard Jr.

By David Miller his  
Guardian ad litem,



Virginia Lee County to wit:

This day David Miller personally appeared before me the undersigned Clerk of the County and Circuit Court of Lee County and made oath that the foregoing answer is true to the best of his knowledge information and belief. This the 6th day of December 1876.  
James W Orr. Clerk.

David Miller,

Answer of  
Guardian  
ad litem

John do. Henderson  
& others

1876 Jan. 1st took by leave  
of the Court.

James W Orr. Clerk.

of the Guardian ad  
litem \$3.00



Aug Term of Circuit Court 1875  
Wm. J. Miller

vs.

C. L. Hamblen admr.  
of Eli Hubbard decd.

a Copy from the  
Chancery Circuit Court  
Execution Book.

Decree for Costs Late Clerk \$10.50 Clk .92  
Clk. 6.00 A. 15.00 S. 8.20 W 1.90 Comrs \$11.13  
Const .90

\$10.50  
6.92

15.60

8.20

1.90

11.13

90

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54.55



Wm. J. Miller

vs.

} Copy from  
Chy execution  
Book

Hubbards admr.



The Commonwealth of Virginia:

To The Sheriff of Lee County:—Greeting,

WE COMMAND YOU TO SUMMON *Polly Hubbard, Caroline Hubbard*  
*Eli Hubbard, John W Bailey & C. L. Hamblen* *debt of*  
*Ely Hubbards Est*

to appear before the Judge of the *circuit* Court of Lee County, at the Court-house, in the  
Clerk's Office, *at October* Rules next, to answer a bill in chancery, ex-  
hibited in our said Court against *them by Wm P Miller*

And have then there this writ. Witness, JAMES W. ORR, Clerk of our said Court, at the  
Court-house, this *1st* day *October*, 1875, in the *100th* year of the Commonwealth,

*James W Orr, Clerk.*



Wm J Miller <sup>LHP</sup>

vs { Spa in Chancery

{ Polly Hubbard et als

October Rules 1875.

Executed on L. L. Hamilton.  
Admr &c. & John W Bailey.

Thos S Ely. S.L.C.

20

50

18

15

18

10

1.50 Lax

75

15

25

36

36

40

\$ 5.05

1.50 Rules

\$ 6.08